

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

RAMON RODRIGUEZ,

Plaintiff,

v.

Case No. 8:18-cv-2745-T-60CPT

CITY BUFFET MONGOLIAN
BARBEQUE, INC. and BI XIA
XIONG,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Christopher P. Tuite, United States Magistrate Judge, entered on June 24, 2020. (Doc. 29). Judge Tuite recommends that “Plaintiff’s Motion for Attorney’s Fees and Costs” (Doc. 27) be granted in part and denied in part.

Specifically, Judge Tuite recommends the Court award Plaintiff attorney’s fees in the amount of \$4,612.50 and costs in the amount of \$530.00. Neither Plaintiff nor Defendants filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no

requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Tuite's report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Tuite's detailed and well-reasoned factual findings and legal conclusions. Consequently, "Plaintiff's Motion for Attorney's Fees and Costs" (Doc. 27) is granted in part and denied in part.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Tuite's report and recommendation (Doc. 29) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion for Attorney's Fees and Costs" (Doc. 27) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) The motion is **GRANTED** to the extent that Plaintiff is awarded attorney's fees in the amount of \$4,612.50 and costs in the amount of \$530.00.
- (4) The motion is **DENIED** to the extent that Plaintiff seeks additional or different relief.
- (4) The Clerk is directed to enter an amended final judgment in favor of Plaintiff, and against Defendants, that includes the award of attorney's fees and costs in this case, as set forth herein.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 24th day of July, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE